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PTO/SB/21 (09-04)

1626

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

| | | | |
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| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/569,873 | |
| | Filing Date | February 24, 2006 | |
| | First Named Inventor | Wei CHENG | |
| | Art Unit | 1626 | |
| | Examiner Name | | |
| Total Number of Pages in This Submission | | Attorney Docket Number | 05-953-A5 (EX04-061C-US) |

ENCLOSURES (check all that apply)

| | | |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input checked="" type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTO/SB/08a (1-page) copies of 6 references postcard receipt Certificate of Express Mailing |
| Remarks Customer No. 23500 | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|----------------------------|----------|--------|
| Firm | EXELIXIS, INC. | | |
| Signature | <i>Robert L. Bernstein</i> | | |
| Printed Name | Robert L. Bernstein | | |
| Date | August 25, 2006 | Reg. No. | 46,020 |

CERTIFICATE OF EXPRESS MAILING PURSUANT TO 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" to the USPTO with sufficient postage in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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| Signature | <i>Joyce Cohen</i> | | |
| Typed or printed name | Joyce G. Cohen, Reg. No. 44,622 | Date | August 25, 2006 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
Wei CHENG *et al.*

Application No.: 10/569,873

Filed: February 24, 2006

For: C-KIT MODULATORS AND
METHODS OF USE

Confirmation No.: 9736

Art Unit: 1626

Examiner: Not yet Assigned

Attorney Docket No.: 05-953-A5
(EX04-061C-US)

INFORMATION DISCLOSURE STATEMENT

Attn: Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R §1.56, this Information Disclosure Statement is being submitted for the above-referenced application.

In accordance with 37 C.F.R §1.97 (g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined by 37 C.F.R. §1.56 exists.

In accordance with 37 C.F.R §1.97 (h), the disclosure contained herein is not intended to constitute an admission that any patent, publication, or other information referred to is "prior art" or "analogous art" for this invention.

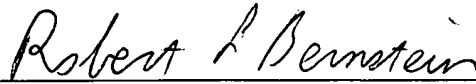
A concise explanation of the relevance, in accordance with 37 C.F.R §1.98 (1)(3)(i), of each patent, publication, or other information listed that is not in the English language is as follows:

1. JP 60-233649 (citation B-2 on the attached PTO/SB/08a form), in Japanese with an English language abstract attached, discloses color photographic photosensitive materials; and
2. WO 01/70678 A2 (citation B-4 on the attached PTO/SB/08a form), in German with an English language abstract at the bottom of the front page, discloses substituted biphenyl derivatives.

This Information Disclosure Statement is being submitted before the mailing of a first Office Action on the merits, and therefore no fee is believed to be due. However, in the event that a fee is due, the Commissioner is hereby authorized to charge any required fees, if necessary, to Deposit No. 50-1108.

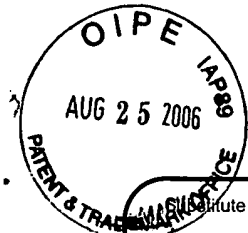
Respectfully submitted,

Dated: August 25, 2006



Robert L. Bernstein, Reg. No. 46,020

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Institute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

of

Complete if Known

| | |
|------------------------|--------------------------|
| Application Number | 10/569,873 |
| Filing Date | February 24, 2006 |
| First Named Inventor | Wei CHENG |
| Art Unit | 1626 |
| Examiner Name | to be assigned |
| Attorney Docket Number | 05-953-A5 (EX04-061C-US) |

U.S. PATENT DOCUMENTS

| Examiner Initials * | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|------------------------|--------------------------|--|--------------------------------|--|---|
| | | Number - Kind Code ² (if known) | | | |
| | | US- | | | |
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FOREIGN PATENT DOCUMENTS

| Examiner Initials * | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁶ |
|------------------------|--------------------------|---|-----------------------------------|---|--|----------------|
| | | Country Code ³ - Number ⁴ - Kind Code ⁵ (if known) | | | | |
| | B-1 | EP 0 443 059 B1 | 06/17/1998 | Nihon Nohyaku Co., Ltd. | | |
| | B-2 | JP 60-233649 (with English language Abstract) | 1985 | | | |
| | B-3 | WO 86/02642 | 05/09/1986 | FMC Corporation | | |
| | B-4 | WO 01/70678 A2 | 0927/2001 | Merck Patent GMBH | | |
| | B-5 | WO 02/057236 A1 | 07/25/2002 | Merck Patent GMBH | | |
| | B-6 | WO 2004/062475 A2 | 07/29/2004 | Albert Einstein College of Medicine of Yeshiva University | | |

NON PATENT LITERATURE DOCUMENTS

| Examiner Initials * | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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